

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
)	Case No. 3:12cr76/LAC
)	
)	Pensacola, Florida
)	April 23, 2013
v.)	10:34 a.m.
)	
JAY ODOM,)	
)	
Defendant.)	
_____)	

JUDGMENT

EXCERPT OF SENTENCING PROCEEDINGS
BEFORE THE HONORABLE LACEY A. COLLIER,
SENIOR UNITED STATES DISTRICT JUDGE
(Pages 1 through 5)

APPEARANCES:

For the Government:	RANDALL J. HENSEL, ESQUIRE United States Attorney's Office 21 East Garden Street, Suite 400 Pensacola, Florida 32502
For the Defendant:	JAMES P. JUDKINS, ESQUIRE Kitchen, Judkins, Simpson Post Office Box 10368 Tallahassee, Florida 32302

EXCERPT PROCEEDINGS**(Defendant present with Counsel.)**

10:34:50AM 3 **THE COURT:** All right. This is certainly, as most
10:34:55AM 4 sentences are, a difficult one, because it is necessary to
10:34:59AM 5 balance the good that you have done in your life with this
10:35:04AM 6 particular offense.

10:35:05AM 7 The offense, though, is one that goes to the very
10:35:09AM 8 heart of our democratic system. If we cannot have faith and
10:35:14AM 9 confidence in our election process, then we can't exist as a
10:35:18AM 10 democracy.

10:35:19AM 11 So it is a direct attack on the very basics of our
10:35:25AM 12 system and is difficult. I'm disappointed to understand -- not
10:35:37AM 13 that you, but others in writing on your behalf talked about how
10:35:41AM 14 they didn't think there was anything wrong with it, that
10:35:44AM 15 everybody does it, it's just one of those things that's part of
10:35:47AM 16 the system.

10:35:48AM 17 Well, I hope and pray that that is not the case, but
10:35:56AM 18 it's necessary, of course, that this be dealt with considering
10:36:02AM 19 the seriousness of the offense as well as that misunderstanding
10:36:08AM 20 on behalf of apparently so very many people that it is in fact
10:36:15AM 21 just a mistake that's done all the time at no consequences as a
10:36:23AM 22 result.

10:36:23AM 23 Well, the consequences, I'm sure, cannot be
10:36:28AM 24 necessarily identified in every case or defined, but clearly it
10:36:36AM 25 violates the system that we all cherish and respond to.

10:36:42AM 1 So I have certainly in this case particularly reviewed
10:36:47AM 2 all of the factors of Section Title 18, United States Code,
10:36:54AM 3 3553(a), in determining what I consider to be a fair and just
10:36:58AM 4 and necessary punishment in this case.

10:37:01AM 5 And I do determine the Presentence Report to be
10:37:03AM 6 accurate as it is presented, and it's findings will be
10:37:07AM 7 considered in the imposition of sentence.

10:37:09AM 8 And it's the judgment of the Court that you be
10:37:12AM 9 committed to the custody of the Bureau of Prisons to be
10:37:15AM 10 imprisoned for a period of six months.

10:37:18AM 11 And as I say, I reviewed all the factors of Title
10:37:22AM 12 3553(a), as well as the advisory nature of the Sentencing
10:37:28AM 13 Guidelines, and conclude that this sentence is reasonable and
10:37:30AM 14 necessary in this case to comply with the statutorily defined
10:37:38AM 15 purposes of sentencing.

10:37:39AM 16 And I do find that this is necessary to reflect the
10:37:44AM 17 seriousness of the offense and to promote respect for the law
10:37:49AM 18 and provide just punishment for this particular offense. And
10:37:54AM 19 just as importantly, perhaps, is to afford an adequate
10:37:59AM 20 deterrence for anyone else who might consider similar criminal
10:38:03AM 21 conduct.

10:38:03AM 22 And I do find, given the circumstances here, this
10:38:07AM 23 sentence to be necessary and reasonable, but a greater sentence
10:38:12AM 24 is not necessary.

10:38:13AM 25 I do find the ability to pay a fine within the

10:38:22AM 1 applicable range, and therefore, a fine in the amount of \$46,000
10:38:26AM 2 is ordered due and payable within 90 days of this judgment.

10:38:31AM 3 There is required by law a \$100 special monetary
10:38:35AM 4 assessment that is ordered due and payable immediately. And
10:38:40AM 5 there will be no supervision following the incarceration.

10:38:45AM 6 And I would ask, any objections to the ultimate
10:38:50AM 7 findings of fact or conclusions of law relating to the judgment
10:38:53AM 8 or sentence?

10:38:54AM 9 **MR. JUDKINS:** None, Your Honor.

10:38:57AM 10 **MR. HENSEL:** None from the Government, Judge.

10:38:59AM 11 **THE COURT:** You are advised that you have 14 days in
10:39:01AM 12 which to appeal this sentence. You have a right to be
10:39:05AM 13 represented by an attorney on an appeal. If you could not
10:39:08AM 14 afford an attorney, one would be appointed for that purpose upon
10:39:12AM 15 your petition to the Court, and in that circumstance appeal
10:39:16AM 16 could be taken without cost to you.

10:39:17AM 17 And is there any understanding as to Defendant's
10:39:24AM 18 self-reporting?

10:39:24AM 19 **MR. HENSEL:** Judge, we have not discussed it, but I
10:39:27AM 20 reviewed the Pretrial Services Report, and I find no basis for
10:39:31AM 21 an objection to allowing him to self-report.

10:39:33AM 22 **THE COURT:** All right. Well, I do find that you have
10:39:36AM 23 complied with all the requirements of the pretrial release, and
10:39:40AM 24 for that reason I'm going to allow you to remain at liberty
10:39:45AM 25 under the same terms and conditions, same bond applying, with

10:39:49AM 1 the added provision that you report to the marshal in this
 10:39:58AM 2 building by twelve noon on Monday, the 10th of June. And if a
 10:40:04AM 3 place of confinement has been designated, you may report to that
 10:40:09AM 4 facility at your own expense by twelve noon on the 10th of June.

10:40:13AM 5 And I do caution that failure to report to one of
 10:40:17AM 6 these two places as directed would constitute a violation of
 10:40:21AM 7 your release conditions and subject you to further prosecution
 10:40:26AM 8 for that violation.

10:40:27AM 9 Do you have any questions about what's expected?

10:40:32AM 10 **THE DEFENDANT:** No, Your Honor.

10:40:32AM 11 **THE COURT:** You need to see the probation officer
 10:40:34AM 12 before you leave here today.

10:40:37AM 13 Anything further?

10:40:39AM 14 **MR. HENSEL:** Judge, pursuant to the plea agreement,
 10:40:43AM 15 the Government moves to dismiss Count One of the indictment.

10:40:46AM 16 **THE COURT:** Very well, that will be granted, and Count
 10:40:49AM 17 One will be dismissed. Anything further?

10:40:55AM 18 **MR. JUDKINS:** Nothing, Your Honor, thank you.

10:40:58AM 19 **THE COURT:** Court will be in recess.

20 *(Proceedings concluded at 10:40 a.m.)*

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 22 *I certify that the foregoing is a correct transcript from the*
 23 *record of proceedings in the above-entitled matter. Any*
 24 *redaction of personal data identifiers pursuant to the Judicial*
 25 *Conference Policy on Privacy are noted within the transcript.*

s/Donna L. Boland
 Donna L. Boland, RPR, FCRR
 Official Court Reporter

5-21-13
 Date